

## **TOWN OF TOPSFIELD**

### **SPECIAL ACTS AND GENERAL LAWS**

#### **A. ACCEPTANCES OF SPECIFIED CHAPTERS OF MASSACHUSETTS GENERAL LAW<sup>i</sup>**

In order to provide Cities and Towns with a measure of self-determination, the Massachusetts Legislature has enacted permissive, or enabling laws which have force only in those communities which accept them.

Permissive legislation generally is codified in the General Law volumes. Prior to codification many such laws are frequently cited by the chapter and year of their enactment. As a result, this reference stands when the question comes before the voters for acceptance. In the Topsfield General Law Acceptance listing which follows, some acceptances are cited by the appropriate codified chapter and others are cited by the chapter and year of enactment.

| <b>Year of Acceptance</b> | <b>Reference of Chapter of MA Gen. Law</b>      | <b>Short Title</b>   |
|---------------------------|---|--|
| 1891                      | Ch. 264, Acts of 1890                           | Providing for Public Cemeteries  |
| 1891                      | Ch. 304, Acts of 1888;<br>Ch. 112, Acts of 1889 | Authorizing Public Libraries   |
| 1896                      | Ch. 431, Acts of 1888                           | Providing for a Superintendent of Schools  |
| 1900                      | Ch. 466, Acts of 1898                           | Providing for a School Union and Superintendent of Schools                                   |
| 1900                      | Election Act of 1893                            | Providing for Use of Official Ballots  |
| 1905                      | Ch. 346, Acts of 1902                           | Providing for a One-Year Term for the Moderator  |
| 1916                      | Ch. 28, ~ 1-14                                  | Providing for the Election of Park Commissioners   |
| 1917                      | Ch. 13, Acts of 1916                            | An Act Relative to the Auditing of Town Accounts   |
| 1921                      | Ch. 624, Acts of 1910                           | Authorizing the Board of Selectmen to appoint a Town Accountant                              |
| 1934                      | Ch. 136, ~ 21-28<br>Repealed                    | In re Amateur Sports and Games on the Lord's Day   |
| 1939                      | Ch. 152, ~ 69-75                                | Providing Workmen's Compensation for Town Employees  |
| 1940                      | Ch. 403, Acts of 1936                           | In re Workmen's Compensation   |
| 1941                      | Ch. 44, ~ 35, Gen. Laws.                        | Periodic Audit of the Town's Accounts Annually under Supervision of the Director of Accounts |

| <b>Year</b> | <b>Chapter</b>  | <b>Short Title</b>  |
|-------------|---|---|
| 1945        | Ch. 332, Acts of 1943<br>~~ 3,4   | Providing for the Licensing of Slaughterhouses  |
| 1945        | Ch. 496, Acts of 1924   | License Fees for Slaughterhouses  |
| 1947        | Ch. 41, Section 81A-8IJ   | Establishing a Planning Board   |
| 1949        | Ch. 40, ~~ 42A-42F  | Authorizing Liens on Real Estate for non-payment of Water Charges   |
| 1949        | Ch. 82, ~ 25  | Concerning the Laying of Water and Sewer Pipes in unconstructed ways  |
| 1949        | Ch. 54, Section 103A, Making Chapter 54, Sections 86 to 103 inclusive and Chapter 56, Sections 27 and 34 applicable | Dealing with Absentee Ballots   |
| 1949        | Ch. 41 ~ 38A  | Town Collector to collect all Accounts Due the Town and have remedies provided by ~ 35, 36 and 93 of Chapter 60 |
| 1949        | Ch. 40, Section 39A and Ch. 41, Section 69A   | Establishing a Board of Water Commissioners   |
| 1950        | Ch. 639 Acts of 1950 and Ch. 639, ~ 1 Acts of 1950  | Establishing a Department of Civil Defense  |
| 1958        | Ch. 40, Section 21 ~ 11   | In re: Personal Property Disposed   |
| 1960        | Ch. 40, Section 8C  | Establishing a Conservation Commission  |
| 1960        | Ch. 223, Acts of 1957   | Established 5 Members of Conservation Commission, including one member of the Planning Board                    |
| 1960        | Ch. 41, ~ 97A   | Establishing a Police Department  |
| 1962        | Ch. 25, Section 12H   | Department of Public Safety--appointing annually an Inspector of Gas Piping and Appliances in buildings         |
| 1963        | Ch. 461, Acts of 1963   | Authorizing the extension by the Town of Danvers of its water mains into the Town of Topsfield on Salem Street  |

| <b>Year</b> | <b>Chapter</b>  | <b>Short Title</b>   |
|-------------|---|--|
| 1964        | Ch. 32B   | Providing Group Health and Life Insurance for Town Employees and their Dependents  |
| 1964        | Ch. 40, Section 5(51)                                       | In re: Conservation Fund   |
| 1964        | Ch. 142, ~ 13   | Adopting a Plumbing Code   |
| 1965        | Ch. 32B, ~ 9A   | Providing for Town Payment of fifty (50%) percent of Insurance Premium for Retired Town Employees  |
| 1967        | Ch. 401, Acts of 1966                                       | To extend Workmen's Compensation coverage to include certain elected and/or appointed officials  |
| 1968        | Ch. 111, ~ 27A  | Establishing a Regional Health District with the Town of Boxford and the Town of Wenham  |
| 1969        | Ch. 54, ~ 16A   | Authorizing the Deputizing of Election Workers   |
| 1971        | Ch. 40, ~ 22D   | Permits Selectmen to make regulations authorizing the towing of vehicles which impede snow removal                                       |
| 1971        | Ch. 40, ~ 8D  | Establishing an Historical Commission  |
| 1972        | Ch. 835, Acts of 1970                                       | Providing for Police incentive salary increases for Police Officers  |
| 1972        | Ch. 121B, Section 3   | Establishing a Topsfield Housing Authority   |
| 1972        | Ch. 40, Section 8B  | Establishing a Council on Aging  |
| 1972        | Ch. 41, Section 62  | In re: Highway Surveyor  |
| 1974        | Ch. 387, Acts of 1974 of the General Court of Massachusetts | An Act Authorizing the Town of Topsfield to Grant a Retirement Allowance in an amount not to exceed \$4,000 annually to Roger G. Peabody |
| 1974        | Ch. 220, Acts of 1972, Section 8G                           | Authorizing Intergovernmental Agreements for Mutual Police Aid Programs  |
| 1975        | Ch. 85, ~ 11A   | Registration of Bicycles   |
| 1975        | Ch. 32, Section 85 H<br>Ch. 41, Section 100                 | Acceptance of Liability with Regard to Bodily Injury, Disability Retirement, Disability and Death and Dismemberment of Call Firefighters |

| <b>Year</b> | <b>Chapter</b>  | <b>Short Title</b>  |
|-------------|---|---|
| 1976        | Ch. 90, ~ 20C   | Non-Criminal Parking Offenses   |
| 1981        | Ch. 217, Acts of 1980                                       | Increasing to Four Thousand (\$4,000.00) Dollars the Amount of Non-Bid Contracts  |
| 1981        | Ch. 262, Section 34   | Establishing a Uniform Fee Schedule   |
| 1981        | Ch. 41, Section 21  | Establishing a Board of Health  |
| 1981        | Ch. 90, ~ 20A 1/2-20E                                       | Establishing fines for parking violations   |
| 1983        | Ch. 496, Acts of 1981                                       | Providing for acceptance of revenue from rental of School and property  |
| 1985        | Ch. 32B, ~ 8A   | Establishing a Group Insurance Trust Fund   |
| 1985        | Ch. 55, Acts of 1984<br>Rescinded vote 5/1/07<br>Article 32 | Concerning Collection of Property Taxes--that any Property Tax not in excess of Twenty-Five (\$25.00) Dollars shall be due and payable in a single payment                |
| 1986        | Ch. 188, Sections 16 and 17, Acts of 1985                   | Provide for an \$18,000 minimum salary for Teachers effective July 1, 1986  |
| 1986        | Ch. 59, ~ 5, Clause 17C and 59, ~ 5, Clause 41B             | Relating to Real Estate Tax Exemptions for Handicapped and Elderly  |
| 1987        | Ch. 640, Acts of 1985                                       | Relating to the Granting and Renewing of Certain Licenses and Permits   |
| 1987        | Ch. 194, Acts of 1986                                       | Relating to Establishing a Town Scholarship Fund  |
| 1987        | Ch. 40, Sections 42G, 42H and 42I                           | Relating to the levying of special assessments to meet the whole or part of costs incurred in laying of pipes in Public Ways for the conveyance and distribution of water |
| 1988        | Ch. 59, ~ 5, Clause 37A                                     | Real Estate exemptions for the legally blind  |
| 1988        | Ch. 59, ~ 5, Clause 17D                                     | Relative to Real Estate Exemptions for the Elderly, Surviving Spouses and Minor Children which would replace Clause 17C   |
| 1988        | Ch. 59, ~ 5, Clause 41C                                     | Real Estate Exemptions for the Elderly which would Replace Clause 41B   |

| <b>Year</b> | <b>Chapter</b>  | <b>Short Title</b>  |
|-------------|---|---|
| 1988        | Ch. 32B, ~ 7A   | Permits Town to increase to 77% of Town's share of medical coverage   |
| 1988        | Ch. 41, Section 1   | Appointment of Tree Warden  |
| 1988        | Ch. 41, Section 63  | Election of Road Commissioners  |
| 1988        | Ch. 262, Section 34<br><b>REPEALED</b>                                  | Establishing Town Clerk Fee Schedule  |
| 1989        | Ch. 40, ~ 39K   | Authorizing Cities and Towns to Establish an Enterprise Fund  |
| 1989        | Ch. 40C, Section 14   | Grants Historic District Commission powers and duties of an Historical Commission as Provided in Chapter 40, Section 8D and Rename the Historic District Commission the Topsfield Historical Commission   |
| 1991        | Ch. 291, Acts of 1990   | Allows Town to Receive Enhanced 911 Service   |
| 1991        | Ch. 516, Section 5,<br>Acts of 1958                                     | Withdrew from Essex County Mosquito Central Project (Note: Joined Project Article 8-STM 11/23/65)   |
| 1991        | Ch. 223, Acts of 1990   | Establishing Town Membership in Essex-Middlesex Sanitary District   |
| 1992        | Ch. 40, ~ 22F   | Relative to the setting of municipal fees   |
| 1992        | Ch. 32B, Section 18   | Requires all retirees, their spouses and dependents who are enrolled in Medicare Part A at no cost to the retiree, their spouse or dependents, or eligible for coverage thereunder at no cost to the retiree, their spouse or dependents, to enroll in a medicare health benefits supplement plan offered by the Town |
| 1994        | Ch. 71, Section 83<br>Acts of 1993<br>"Education Reform<br>Act of 1993" | Provides for an Early Retirement Incentive Program for Topsfield Elementary Teachers  |
| 1996        | Ch. 41, Section 53F ½   | Establishment of Enterprise Fund for Water Dept.  |
| 1998        | Ch. 48, Section 42  | Provides for the appointment of a “strong” Fire Chief   |
| 1998        | Ch. 41, Section 23A   | Provides for the appointment of an Executive Secretary or Town Administrator  |
| 1999        | Ch. 41, Section D   | Provides for public employees’ payroll direct deposit   |

| Year | Chapter   | Short Title   |
|------|---|---|
| 1999 | Ch. 81, Section 1<br>Acts of 1995 which amends<br>Ch. 59, Section 5                   | Cost of Living Adjustment   |
| 2001 | Ch. 73, Section 4<br>Acts of 1986<br>As amended by Ch. 126<br>Acts of 1988            | Provides for additional property tax exemption<br>of 100% for FY 2002 for qualifying taxpayers  |
| 2001 | Ch. 380<br>Acts of 2000   | Provides for certain real estate exemptions   |
| 2001 | Ch. 64G, Section 3A   | Impose a Local Room Occupancy Excise Tax<br>of 4%   |
| 2001 | Ch. 159, Section 114<br>Acts of 2000  | Provides for Small Personal Property Accounts<br>Town voted to establish a minimum value of \$1000.   |
| 2002 | Ch. 32B, Section 9E   | Allows for the payment of insurance in excess of<br>50% for retired Town employees and their dependents   |
| 2003 | Ch. 58, Section 8C  | Allows the Town to enter into agreements with developers<br>of affordable housing for the abatement of outstanding<br>property taxes                                |
| 2003 | Ch. 59, Section 5,<br>Clause 41C  | Adjusts eligibility requirements of Ch. 59, Section 5,<br>Clause 41C as amended by Section 5 of Ch .184 of the<br>Acts of 2002. (Real estate exemption for elderly) |
| 2003 | Ch. 73, Section 4<br>Acts of 1986, as amended<br>by Ch. 126 of the Acts of 1986       | Allows exemption increase of 100% for FY2004 for<br>taxpayers qualifying for a personal exemption   |
| 2004 | Ch. 73, Section 4<br>Acts of 1986, as amended<br>by Ch. 126 of the Acts of 1986       | Allows an exemption increase of 100% for FY2005 for<br>taxpayers qualifying for a personal exemption  |
| 2004 | Ch. 44B, Section 3-7<br><b>NOT ENACTED</b>  | Acceptance of Community Preservation Act contingent<br>upon passage of ballot question  |
| 2005 | Ch. 71, Section 16G ½   | Established Masconomet Regional School District<br>Stabilization Fund   |
| 2005 | Ch. 73, Section 4 of the<br>Acts of 1986 as amended by<br>Ch. 126 of the Acts of 1988 | Allows exemption increase of 100% for fiscal 2006 for<br>all taxpayers qualifying for a personal exemption  |
| 2005 | Ch. 59, Section 57C   | Implements Quarterly Tax billing system effective<br>July 1, 2006 for fiscal year 2007  |
| 2006 | Ch. 73, Section 4 of the<br>Acts of 1986 as amended by<br>Ch. 126 of the Acts of 1988 | Allows exemption increase of 100% for fiscal 2007 for<br>all taxpayers qualifying for a personal exemption  |

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| 2007 | Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988 | Allows exemption increase of 100% for fiscal 2008 for all taxpayers qualifying for a personal exemption   |
| 2007 | M.G.L Ch. 39, Sec. 23D  | Allows that a member of a board, committee, or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to absence from one session of such hearing, provided certain conditions are met, and said acceptance shall apply to all adjudicatory hearings |
| 2007 | M.G.L. Ch. 148, Sec. 261  | Requires installation of an approved system of automatic sprinklers for new construction or substantially rehabilitated buildings that are occupied in whole or part for residential purposes and contain not less than four dwellings  |
| 2007 | M.G.L. Ch.60, Sec. 106<br><b>RESCINDED</b>                                      | Rescinded acceptance of said chapter voted under Article 43 of the 1985 May Annual Town Meeting   |
| 2008 | Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988 | Allows exemption increase of 100% for fiscal 2009 for all taxpayers qualifying for a personal exemption   |
| 2008 | M.G.L. Ch. 59, Sec. 5K  | Authorizes the Board of Selectmen to establish a tax work-off for senior citizen volunteers in the Town of Topsfield, to be effective July 1, 2008  |
| 2009 | Ch. 73, Section 4 of the Acts of 1986 as amended by Ch. 126 of the Acts of 1988 | Allows exemption increase of 100% for fiscal 2010 for all taxpayers qualifying for a personal exemption   |
| 2009 | M.G.L. Ch.41, Sec.81U   | Allows the Planning Board to apply amounts of a surety bond, deposit, or other security to complete work in a sub-division in accordance with the approved plans and conditions in the event a developer fails to do so   |

**\*Editor's Note:**

On occasion, the Town has accepted the provisions of Chapter 44, Section 53E ½ thereby establishing revolving funds for certain Town departments for the ensuing fiscal year. As said provisions are in effect for only the year voted, they have not been included here, but may be found in Town Meeting Minutes records.

## **SPECIAL ACTS AND GENERAL LAWS**

### **B. SPECIAL ACTS OF THE COMMONWEALTH PERTAINING TO TOPSFIELD**

Special Acts that have been adopted by the Massachusetts Legislature and pertain to the Town of Topsfield are referred to by the year of enactment and chapter number.<sup>ii</sup>

| <b>Year</b>  | <b>Chapter</b> | <b>Short Title</b>  |
|--------------|----------------|---|
| Acts of 1892 | Chapter 384    | Incorporating the Haverhill, Georgetown, and Danvers Street Railway   |
| Acts of 1902 | Chapter 295    | Incorporating the Danvers and Georgetown Street Railway   |
| Acts of 1909 | Chapter 438    | Authorizing the Beverly Gas and Electric Company to furnish electricity to the Town of Topsfield  |
| Acts of 1911 | Chapter 161    | Authorizing the Congregational Church of Topsfield to hold as Trustee, funds now in hands of Trustees of Bixby Donation Farm corporation which is dissolved   |
| Acts of 1913 | Chapter 706    | Taking lands for water supply purposes in the Towns of Topsfield, Beverly and Salem   |
| Acts of 1919 | Chapter 302    | Authorizing the Essex County Commissioners to construct a bridge over the Ipswich River in the Town of Topsfield  |
| Acts of 1926 | Chapter 200    | Authorizing the Town of Danvers to take additional sources of water supply in the Town of Middleton and improve its water system in Topsfield and other towns |
| Acts of 1931 | Chapter 382    | Authorizing the Town of Topsfield to borrow money for school purposes   |



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|--------------|----------------|---|
| Acts of 1936 | Chapter 96     | Changing and establishing the boundary line between the Town of Middleton and Town of Topsfield   |
| Acts of 1937 | Chapter 138    | Establishment of a Water District in the Town of Topsfield and the election and terms of the local Boards of Water Commissioners  |
| <b>Year</b>  | <b>Chapter</b> | <b>Short Title</b>  |
| Acts of 1948 | Chapter 80     | Validating the Acts of Persons acting as Registrars of Voters in the Town of Topsfield in 1947 and 1948   |
| Acts of 1949 | Chapter 526    | Validating and Confirming the election of officers and other proceedings of the Annual Town Meeting in Topsfield in 1947 and 1948   |
| Acts of 1951 | Chapter 697    | Authorizing the Water Supply Board to take land for a water reservoir   |
| Acts of 1956 | Chapter 631    | Authorizing the development of Bay Circuit in the Town of Topsfield   |
| Acts of 1957 | Chapter 154    | Validating the location of certain gas mains lines and other equipment of the Haverhill Gas Company in Haverhill, Merrimac, Amesbury, Salisbury, Newburyport, Groveland, Georgetown, Rowley, Ipswich, Hamilton, Wenham, and Topsfield |
| Acts of 1957 | Chapter 441    | Authorizing the Town of Topsfield to lay water pipes in the Town of Boxford and to sell water to the Masconomet Regional School District, and authorizing said District to borrow money for the cost of laying pipes                  |
| Acts of 1962 | Chapter 20     | Providing for Life Tenure for Roger G. Peabody, incumbent in the Office of Chief of Police  |
| Acts of 1963 | Chapter 461    | Authorizing the Town of Topsfield to receive water from the Town of Danvers   |
| Acts of 1967 | Chapter 156    | Authorizing the formation of a Vocational Regional School   |

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|--------------|----------------|--|
|              |                | District by Haverhill,<br>Newburyport, Amesbury, Boxford,<br>Georgetown, Groveland, Ipswich,<br>Merrimac, Newbury, Rowley,<br>Salisbury, Topsfield and West Newbury  |
| Acts of 1971 | Chapter 327    | Authorizing the Town of Topsfield<br>to purchase land in the Town of<br>Boxford for conservation purposes  |
| <b>Year</b>  | <b>Chapter</b> | <b>Short Title</b>   |
| Acts of 1972 | Chapter 545    | Authorizing the formation of a<br>Vocational Regional High School<br>District by Beverly, Gloucester,<br>Peabody, Salem, Boxford, Danvers,<br>Essex, Hamilton, Manchester,<br>Marblehead, Middleton, Rockport,<br>Swampscott, Topsfield and Wenham |
| Acts of 1973 | Chapter 1100   | Authorizing the Town of Topsfield<br>to hold Town Meetings at the<br>Masconomet Regional School in the<br>Town of Boxford  |
| Acts of 1974 | Chapter 387    | Authorizing payment by the Town of<br>Topsfield of a certain retirement<br>allowance to Roger G. Peabody   |
| Acts of 1975 | Chapter 406    | Establishing an Historic and<br>Scenic District Planning<br>Commission in Essex County   |
| Acts of 1977 | Chapter 412    | Authorizing payment by the Town of<br>Topsfield of a certain retirement<br>allowance to Roger G. Peabody<br>(Repealed Ch. 387, Acts of 1974)   |
| Acts of 1987 | Chapter 494    | Authorizing the conveyance by the<br>Commonwealth of Massachusetts of a<br>Certain Parcel of Land (State<br>Police Barracks Property) to the<br>Town of Topsfield  |
| Acts of 1988 | Chapter 92     | Validating Certain Votes Taken in<br>the Town of Topsfield in 1986 and<br>1987 Relative to Certain Bonds   |
| Acts of 1989 | Chapter 453    | Authorizing the Town of Topsfield<br>to Establish a Board of Park and<br>Cemetery Commissioners  |
| Acts of 1990 | Chapter 278    | Authorizing the Conveyance by the<br>Commonwealth of Massachusetts of a<br>Certain Parcel of Land to the Town<br>of Topsfield, known as Maryknoll  |

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|--------------|-----------------------------------|--|
| Acts of 1990 | Chapter 500                       | Providing for a Certain Method of Assessing Betterment Costs for Supplying Water in the Town of Topsfield  |
| Acts of 1992 | Chapter 99                        | Validating the Acts and Proceedings of the Annual and Special Town Meetings of May 5 and 6, 1992 of the Town of Topsfield  |
| <b>Year</b>  | <b>Chapter</b>                    | <b>Short Title</b>   |
| Acts of 1996 | Chapter 10                        | Providing for the Appointment of a Treasurer/Collector in the Town of Topsfield.   |
| Acts of 2001 | Chapter 144                       | An act authorizing the Town of Topsfield to convey a certain parcel of conservation land to the Town of Boxford for conservation purposes  |
| Acts of 2003 | Chapter 57                        | An act authorizing the Town of Topsfield to grant special liquor licenses for the sale of wines and malt beverages to be drunk on the premises.  |
| Acts of 2003 | Chapter 58                        | An act authorizing the Town of Topsfield to grant a license for sale of wines and beverages to be drunk on the premises..  |
| Acts of 2003 | Chapter 61                        | An act authorizing the Town of Topsfield to grant a license for the sale of wines and beverages not to be drunk on the premises.   |
| Acts of 2005 | Chapter 170                       | An act increasing the number of the board of selectmen to five (5) members.  |
| Acts of 2006 | Chapter 225                       | An act authorizing the grant of an additional license to Gil's Grocery for the sale of wines and malt beverages not to be drunk on the premises.   |
| Acts of 2006 | Chapter 350<br><b>NOT ENACTED</b> | An act authorizing the Town of Topsfield to establish a DPW provided the voters vote in the majority at the next town election to do so. If so voted in the affirmative this act shall take effect on the date of the annual town election of 2008. The Town election of May 3, 2007 voted against establishment of a DPW. Chapter 350 Acts of 2006 will <u>not</u> take effect in 2008 due to the vote of May 2007. |
| Acts of 2008 | Chapter 127                       | An act authorizing the Town of Topsfield to issue a license for the sale of wines and malt beverages not to be drunk on the premises.  |

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